



1           4.       Additionally, denial of this request would result in a miscarriage of justice;

2           5.       For all the above-stated reasons, the ends of justice would best be served by a  
3 continuance of the motions hearing currently set for January 17, 2013, at 10:00 a.m.;

4  
5           6.       The additional time requested in this Stipulation is excludable in computing the time  
6 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States  
7 Code, Section 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United  
8 States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). The parties acknowledge that if a  
9 resolution is not met prior to the rescheduled hearing date, they may need to seek a continuance of  
10 the trial date.  
11

12           7.       This is the first request for continuance of the motions hearing on behalf of the  
13 parties.  
14

15           **DATED** this 17<sup>th</sup> day of January 2013.

16           **UNITED STATES ATTORNEY**

17           /s/ Cristina Silva

18           **CRISTINA SILVA, ESQ.**

19           Assistant United States Attorney  
20           333 Las Vegas Blvd. South  
21           Suite 5000  
22           Las Vegas, Nevada 89101  
23           Attorney for Plaintiff

24           **ATTORNEY FOR DEFENDANT**  
25           **ALFONSO LOBAS**

26           /s/ Bret Whipple

27           **BRET O. WHIPPLE**

28           LAW OFFICE OF BRET WHIPPLE  
            1100 S. 10th Street  
            Las Vegas, NV 89104  
            702 257-9500

**ATTORNEY FOR DEFENDANT**  
            **SABIR PHILIMON**

/s/ Saraliene S. Durrett

**SARALIENE S. DURRETT, ESQ.**

            CHESNOFF & SCHONFELD  
            520 South Fourth Street  
            Las Vegas, Nevada 89101

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 ) Case No. 2:12-CR-00109-LDG-PAL  
Plaintiff, )  
 )  
v. )  
 )  
ALFONSO LOBAS, )  
SABIR PHILIMON, )  
 )  
Defendants. )

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

Based upon the pending Stipulation of counsel, and good cause appearing, the Court finds that:

1. The parties are attempting to reach a resolution to this matter prior to the hearing, but they anticipate needing more time to do so;
2. Counsel for defendant Philimon has been in communication with Assistant United States Attorney Cristina Silva and with counsel for Defendant Lobas and there is no objection to the continuance as outlined above;
3. Denial of this request for continuance of the motions hearing will deny the parties of the opportunity to resolve this matter prior to the hearing. Resolving the matter prior to the hearing will eliminate the need for the hearing and will prevent the parties and the Court from spending needless time on the hearing;
4. Additionally, denial of this request would result in a miscarriage of justice;
5. For all the above-stated reasons, the ends of justice would best be served by a

1 continuance of the motions hearing currently set for January 17, 2013, at 10:00 a.m.;

2 6. The additional time requested in this Stipulation is excludable in computing the time  
3 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States  
4 Code, Section 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United  
5 States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). The parties acknowledge that if a  
6 resolution is not met prior to the rescheduled hearing date, they may need to seek a continuance of  
7 the trial date; and  
8  
9

10 7. This is the first request for continuance of the motions hearing on behalf of the  
11 parties.

12 **ORDER**

13 **IT IS HEREBY ORDERED** that the motions hearing currently set for January 17, 2013,  
14 at the hour of 10:00 a.m., in Courtroom 3B, is hereby **VACATED** and **RESET** for the 5th day  
15 of March, 2013, at the hour of \_\_\_\_\_ .m.

16 **DATED** this 39th day of February, 2013.

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18  
19   
20 **THE HONORABLE PEGGY LEEN**  
21 **UNITED STATES MAGISTRATE JUDGE**

22 Submitted by:

23 CHESNOFF & SCHONFELD

24 /s/ Saraliene S. Durrett  
25 SARALIENE S. DURRETT, ESQ.  
26 Nevada Bar # 11461  
27 520 South Fourth Street  
28 Second Floor  
Las Vegas, Nevada 89101  
Attorney for Defendant  
Sabir Philimon